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ABSTRACT

This booklet describes administrative rules (revised in 1984) regarding the delivery of special education services in Michigan. Presented in a question answer format, the guide explains current rules regarding: the Individualized Educational Planning Committee Process; Independent Educational Evaluation at public expense; vocational evaluation; eligibility for special education; parent rights and responsibilities; administration of programs and services; resource room rules; teacher consultant roles; departmentalized secondary programs; qualifications of directors, supervisors, teachers, and other personnel; the intermediate school district plan; the parent advisory committee; and complaints. (CB)

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An Overview of the Revised Administrative Rules for the Delivery of Special Education Programs and Services

A Team Approach

Michigan State Board of Education

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THE SPECIAL EDUCATION PROCESS

IN

MICHIGAN

Working Together:
Parents, Teachers, Administrators

This booklet is presented to interested citizens by the Michigan Department of Education, Special Education Services, with the assistance of federal funds made available through Title VI-Part B funds from Education of the Handicapped Act, P.L. 94-142.

November, 1986

EC192140

Dear Friends of Special Education:

State Board of Education approval of the revised Administrative Rules for Special Education marks another milestone in Michigan's educational history. Michigan has long been recognized as a pioneer in the field of special education, and now, through the combined efforts of parents, teachers, and administrators, we are able to continue in that tradition of leadership. I believe that this revision in the special education rules will help to ensure a free appropriate public education of the highest quality for the handicapped children of our state.

Promulgation of the revised rules is only the beginning. It is in the implementation that the real benefits will be imparted to our handicapped children and young adults.

I appreciate your efforts to assist in a smooth transition from the "old" rules to the new.

Sincerely,

Phillip E. Runkel
Superintendent of Public Instruction

Dear Parents, Teachers, and Administrators:

We are in a time of exciting changes--changes which offer an opportunity to better serve the handicapped children of Michigan. In 1984, a decision was made to revise approximately one-half of the special education administrative rules. Over the course of the revision process, rules were modified in order to refine the quality of special education programs and services and to clarify the responsibility of school officials, parents, teachers, and teacher training institutions.

Not all rules were open for revision; a substantial portion remains unchanged. However, a number of significant changes have been made. This handbook has been prepared as a tool to be used in highlighting and clarifying those changes. Whether used alone, or as a companion to the rules, I hope you will find it helpful.

Members of the Special Education Services' staff are committed to a smooth transition. Please feel free to call upon us for assistance in the months ahead as we move forward in a spirit of optimism and cooperation.

Sincerely,

Edward L. Birch

Edward L. Birch, Director
Special Education Services

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Individualized Educational Planning Committee Process, Evaluation, and Eligibility

The individualized educational planning committee (IEPC) process is outlined in part two of Michigan's Administrative Rules for Special Education. This committee is appointed by the superintendent and meets a minimum of once a year to consider the educational needs of the handicapped student. Additional meetings may occur to consider revisions in the student's individualized education program (IEP). The individualized educational planning committee has the following responsibilities: (l) determine a person's eligibility for special education programs and services and redetermine eligibility every three years; (2) determine the appropriate special education programs and services needed by a handicapped student; (3) consider least restrictive environment options for the student and provide a rationale for their acceptance or rejection; (4) develop, revise, or review the handicapped student's individualized education program; and (5) complete a report which is to be forwarded to the superintendent of the handicapped student's district of residence.

A minimum of two people must serve on the individualized educational planning committee - the student's teacher and a representative of the public agency. If the student is enrolled in regular education, the student's regular education teacher must be a participant. The parents must be invited to each individualized educational planning committee meeting, and others may attend at the request of the public agency or the parent. Also, a member of the multidisciplinary team must attend the initial and 3-year reevaluation individualized educational planning committee meetings. Finally, if appropriate, the handicapped student may attend the meeting.

After determining a person's eligibility for special education programs and services, the most important function of the individualized educational planning committee is the development of the individualized education program. The individualized education program sets forth a written commitment of special education programs and services necessary to enable a handicapped student to receive a free and appropriate public education.

The Individualized Educational Planning Committee Process

The revised administrative rules contain several significant changes in the individualized educational planning committee process as well as in the content of the individualized education program itself. These changes are discussed in question/answer format.

l. Is the resident district still responsible for conducting the initial individualized educational planning committee meeting?

Yes. The district of residence is responsible for conducting the initial individualized educational planning committee meeting involving a student in its district. [R340.172lc(l)]

2. If a student is placed in a program outside the resident district, does the resident district continue to be responsible for the individualized educational planning committees?

Yes. However, the resident district may contract with the operating district to conduct subsequent individualized educational planning committee meetings. [R340.172lc(l)]

3. Is a resident district representative required to be invited to subsequent individualized educational planning committee meetings if the student is attending a program in another district?

No. However, the parents must be informed that they may request that a representative of the resident district be invited to 3-year reevaluation meetings. [R340.1721b(4)]

4. What changes may be expected, due to the revised rules, in determining appropriate programs and services?

A.The individualized educational planning committee must identify the least restrictive environment program and service options that were considered and reasons that various options were accepted or rejected. [R340.172le(3)(e)]

B.When assigning a student to a categorical program, the student's primary impairment must match the teacher's endorsement. If the impairment does not correspond to the program designation, the individualized educational planning committee must provide a rationale for an alternative program, and the parent must then consent to the alternative program. [R340.1733(q)]

C. In a resource room program, the individualized educational planning committee must determine if a teacher consultant is needed to provide consultation to the resource teacher when the resource teacher does not have an endorsement in the area of the student's primary impairment. [R340.1749a(4)]

D. After the student reaches the age of 12, each individualized education program must contain a written statement indicating committee consideration of prevocational/vocational needs. [R340.172le(3)(g)]

5. When a student enrolled in a special education program moves to another school district, but continues to attend the same facility, must the new district of residence convene an individualized educational planning committee meeting?

No. If there is no change of status, the new district of residence is not required to convene an individualized educational planning committee meeting. For example: If a family moves from District X to District Y, but the student will continue to attend the special education program/facility he or she was attending when the family lived in District X, an individualized educational planning committee meeting need not be convened.

6. Must performance objectives be written by the special education teacher?

No. Only annual goals and short-term instructional objectives are required. For each short-term instructional objective, the following information must be supplied in the individualized education program: [R340.172le(3)]

A. Criteria - how the skill is to be measured, for example: percentage or number of skills or performance objectives acquired, grade earned, grade level achieved, etc.

B. Evaluation procedure - what method is to be used to measure achievement, for example:

standardized tests, systematic observation, pre-and post-tests, etc.

C. Evaluation schedule - when the evaluation will occur, for example: monthly, weekly, by a certain date, on a semester basis, etc.

The Independent Educational Evaluation (IEE) At Public Expense

The independent educational evaluation is a parent right. The parent may obtain an independent educational evaluation at their own expense, but they have a right to request and obtain an independent educational evaluation at public expense in accordance with R.340.1723c. The questions and answers that follow relate only to the independent educational evaluation process as it pertains to public expense.

Any student suspected of being handicapped must be evaluated by a multidisciplinary evaluation team. This team must complete a diagnostic evaluation, including a recommendation for eligibility, and prepare a written report to be presented to the individualized educational planning committee. In addition, a comprehensive evaluation must be conducted every 3 years for students who are receiving special education. These evaluations must be provided by the public agency.

If the parent disagrees with the results of the evaluation that was conducted by the public agency, the parent may request an independent educational evaluation. Procedures for obtaining such an evaluation are discussed in question/answer format below.

1. What is an independent educational evaluation?

An independent educational evaluation is an evaluation conducted by a qualified examiner(s) who is not employed by the public agency responsible for the education of the child. [R340.170la(a)]

2. Who may request an independent educational evaluation?

The evaluation may be requested by the parent of a handicapped person or suspected handicapped person. [R340.1723c(l)]

3. Under what circumstances may it be requested?

The parent(s) may request an independent educational evaluation if they disagree with the results of the evaluation conducted or obtained by the public agency for the purpose of determining eligibility, programs, and services. The request is made at the individualized educational planning committee meeting. [R340.1723c(3)]

4. Must the public agency honor the request?

Yes. Unless the public agency requests a hearing under R340.1724 to show that its evaluation is appropriate. [R340.1723c(3)]

5. How soon should the parent expect a response to the request for an independent educational evaluation?

The public agency must, within 7 days of receipt of the request, respond in writing as to

whether it will comply with the request or initiate a hearing. [R340.1723c(3)]

6. What information is the public agency required to provide to the parent regarding the independent educational evaluation?

The public agency must provide the parent with the following information:

A. Criteria regarding credentials of the outside examiner.
B. Suggested sources and locations for outside examiners.
C. Procedures for reimbursement.
D. Reasonable expected cost.
E. Notification that the parent is not restricted to choosing from the list of sources suggested by the public agency. [R340.1723c(2)]

7. How are the results of the independent educational evaluation used?

The individualized educational planning committee must consider the results of the independent educational evaluation in any decision pertaining to the student. [R340.1723c(4)]

8. When the independent educational evaluation is at public expense, what must the qualifications of the examiner be?

Criteria under which the evaluation is obtained, including the qualifications of the examiner, shall be the same as the criteria which the public agency uses when it conducts an evaluation. [R340.1723c(6)]

9. Who determines the "reasonable expected cost"?

The public agency determines reasonable costs and must provide parents with this information. [R340.1723c(2), (6)]

The Vocational Evaluation

1. What is a vocational evaluation?

A vocational evaluation is an evaluation which includes, at a minimum, an assessment of the student's personal adjustment skills, interests, and achievements and special information regarding the student's handicapping condition for the purpose of planning vocational education. [R340.1701b(k)]

2. When must a vocational evaluation be conducted?

At a minimum, a vocational evaluation must be conducted before the student receives vocational education. [R340.1721a]

3. Who must be evaluated?

A vocational evaluation must be provided for any student identified as being handicapped for whom vocational education is going to be provided. [R340.1721a(9)]

4. Is this only for special education students enrolled in a special education curriculum?

No. All special education students expected to receive vocational education must first receive a vocational evaluation. [R340.172la(9)]

5. Who may administer the vocational evaluation?

The vocational evaluation must be conducted by personnel qualified to administer and interpret the particular evaluation activities used. [R340.172la(9)]

Eligibility

Michigan recognizes 12 impairment areas and identifies procedures for finding students eligible for services. The revised rules clarify the criteria used to determine eligibility in several areas, while many areas remain unchanged. Those areas for which eligibility criteria have not changed are educable mentally impaired, emotionally impaired, learning disabled, trainable mentally impaired, severely mentally impaired, autistic impaired, preprimary impaired, and speech and language impaired. Those areas which have undergone revision are discussed below:

1. **Hearing Impaired:** The new rule differentiates between deaf persons and persons who are hard of hearing. The term "deaf" refers to those whose hearing loss is so severe that the auditory channel is not the primary means of developing speech and language skills. "Hard of hearing" refers to those with permanent or fluctuating hearing loss which is less severe than that of deaf persons, and which generally permits the use of the auditory channel as the primary means of developing speech and language skills. [R340.1707(l)]

2. **Visually Impaired:** The new rule clarifies central visual acuity to be near or far point vision of 20/70, and allows students who have a diagnosed progressively deteriorating eye condition to be eligible for special education. [R340.1708(b)(3)]

3. **Physically and Otherwise Health Impaired:** The new rule allows for the evaluation to be conducted by any approved physician according to Michigan law, in lieu of those previously noted. [R340.1709(2)(e)]

4. **Severely Multiply Impaired:** The new rule allows impairments to be determined in one of two ways. In the first, cognitive development is 2 to 3 standard deviations below the mean (educable mentally impaired) and there are severe impairments in 2 or more of the following areas: hearing, visual, physical, or health. In the second, a valid means of cognitive development cannot be obtained or cognitive development is 3 or more standard deviations below the mean (trainable mentally impaired) and a severe impairment exists in one or more of the four areas (hearing, visual, physical, or health). [R340.1714]

Parent Rights and Responsibilities

I. Parents and the Individualized Educational Planning Committee Process

A. The parent is responsible for notifying the district of the child's native language. [R340.172la(8)]

B. The parent may request that a representative of the resident district be invited to 3-year

reevaluation meetings held by the operating district. [R340.1721b(4)]

C. If the student has moved to a new school district and the student's educational status has not changed, the parent must provide written consent for immediate temporary placement. Placement is not possible without consent. If the student remains in the same facility/program, even though the family has moved, consent for temporary placement is not necessary because educational status has not changed. (R340.1722e)

2. Parents and the Independent Educational Evaluation (R340.1723c)

A. Parents must be informed about their right to an independent educational evaluation. If the parents request an independent educational evaluation at public expense, they must be provided with information regarding credentials for qualified examiners, suggested sources and locations, procedures for reimbursement, and reasonable expected cost.

B. Parents may obtain an independent educational evaluation from a source other than those suggested by the public agency.

C. If the parent makes a request for an independent educational evaluation in written, signed, and dated form, the school district must respond to that request within 7 days.

3. Parents and the Due Process Hearing

A. After a hearing has been requested, it may only be terminated after both parties agree to terminate the hearing. Any delay, suspension, or adjournment requires prior approval of the hearing officer. [R340.1724(4)]

B. Upon requesting a hearing, the parent must receive from the public agency a current department-developed, department-distributed list of persons who serve as hearing officers. Receipt of this information will assist the parent in choosing a hearing officer. [R340.1724a(4)]

C. At a due process hearing, the parent or the school district has the right to be represented, accompanied, and advised by counsel and individuals with special knowledge or training with respect to the problems of handicapped persons. [R340.1724b(1)(a)]

D. At a due process hearing, the parent or the school district may prohibit the evidence and the direct testimony of any witness not disclosed at least 5 days before the hearing. [R340.1724b(1)(c)]

E. In place of a hearing, the parent and the public agency may elect to use arbitration in lieu of a hearing according to procedures outlined in the rules. (R340.1724c, R340.1724d)

4. Parents and Programs

Under the new rule 340.1733q, a student who needs placement in a categorical special education program must be assigned to a categorical program that corresponds to the student's primary disability with one exception. If a student is to be placed in a program which does not match the student's disability, a rationale must be written in the individualized education program and the parent must consent to the alternative placement. If the parent does not consent to the alternative placement, the student must be placed in a program that matches his or her primary disability. The school district may request a due process hearing to override the

parent's refusal. (R340.1733q)

Administration of Programs and Services

Age Span and Categorical Special Education Programs

Michigan adheres to a policy of placement of handicapped students in the least restrictive environment. To that end, a full continuum of services is provided. The newest addition to the continuum is the resource room program. Other changes involve age spans, caseload sizes, and class sizes. These various changes are discussed on the following pages.

1. Age Spans (Note: age spans refer to the age span of the students in the special education classroom at any one time) [R340.1733(d)]

A. Classrooms for the severely mentally or severely multiply impaired which serve students under the age of 16 (in any facility) may not exceed a 6-year age span at any one time.

B. Special education classrooms in separate facilities with students under 16 years of age may not exceed a 4-year age span.

C. The age span of students in special education programs in regular education elementary buildings may not exceed 6 years or the age span of the non-handicapped students in the building, whichever is less.

D. The age span of students in special education programs in regular education secondary buildings may not exceed the age span of the non-handicapped students in the building, except in high schools, where students up to age 26 may be served.

E. All severely mentally impaired, severely multiply impaired, and trainable mentally impaired programs will follow the rules above unless an approved intermediate school district plan allows for an expanded age range.

2. Severely Mentally Impaired Programs

The new rule states that the instructional unit will consist of at least 1 teacher and 2 instructional aides for every 12 students. The class size may be extended to 15 students if a 3rd aide is assigned with the placement of the 13th student into the program. [R340.1738(a), (d)]

3. Educable Mentally Impaired Programs

The new rule specifies that an elementary level educable mentally impaired program shall serve no more than 15 students at one time and that an aide must be assigned to the program when 12 or more students are in the program at one time. Secondary level programs may not serve more than 15 students at one time and the teacher may not provide programming for more than 15 different students. [R340.1740(1), (2)]

4. Visually Impaired Programs

The new rule states that the public agency will ensure that low vision aids are available and functioning properly. Also, the resident district will conduct the initial individualized educational planning committee meeting for assignment to Michigan School for the Blind. Subsequent individualized educational planning committee meetings will be convened by either the resident district or Michigan School for the Blind as authorized by the resident district. [R340.1743(1)(b), (3)]

5. Speech and Language Impaired Instructional Services

The new rule adds an additional factor, consulting with parents, to the list of those used to determine caseload size for an individual teacher. Also, the individual teacher's caseload may not exceed 60 different students, which includes those currently being evaluated. [R340.1745(b), (c)]

6. Physically and Otherwise Health Impaired Programs

The new rule specifies that physically and otherwise health impaired programs may not serve more than 10 students at one time and the teacher may not be responsible for the educational programming of more than 15 different students. In addition, adaptive devices deemed necessary for instruction by the individualized educational planning committee shall be provided, and paraprofessionals may be employed in a supportive capacity. [R340.1744(1), (2), (5)]

7. Severely Multiply Impaired Programs

Because language about an "inability to function within other special education programs" has been omitted from R340.1714, severely multiply impaired students may be served in any appropriate program as determined by the individualized educational planning committee. The emphasis of programs for the severely multiply impaired should relate to multiple handicaps rather than single handicaps in isolation, and programs should encourage instructional or social experiences for a portion of the day in programs for single disabilities, as determined by the individualized educational planning committee. In addition, curriculum changes have been adopted, as well as a list of ancillary services available to meet the student's needs. [R340.1748(b), (c), (d)]

8. Hearing Impaired Programs

The new rule specifies that amplification devices deemed necessary for instruction by the individualized educational planning committee will be provided by the public agency. In addition, the resident district will conduct initial individualized educational planning committee meetings for assignments into the Michigan School for the Deaf. Subsequent individualized educational planning committee meetings will be convened by either the resident district or Michigan School for the Deaf as authorized by the resident district. [R340.1742(1)(b), (3)]

NOTE: The revised rules specify that special education classrooms and areas used by related service personnel must have the same light, ventilation, and heat conditions as regular classrooms in the school district. [R340.1733a(c)]

Resource Room Rules

The resource room is an optional program not previously addressed in Michigan's continuum of special education services. Resource rooms are designed to serve those students for whom a categorical classroom would be too restrictive, but who require more support than could be provided by a teacher consultant. These students spend part of their day in the special education resource room and part of the day "mainstreamed" in regular education classes. The elementary and secondary resource rooms are slightly different and are discussed in more detail below.

The Elementary Resource Room

1. Who is eligible to be placed in an elementary resource room?

The individualized educational planning committee determines the need for resource room placement. To be eligible, the student must require 50% or less of the instructional day in special education. The student must require 2 or less of the following content areas taught solely by the resource teacher: language arts, math, science, social studies. [R340.1749a(1)]

2. How many students may an elementary resource teacher serve?

The elementary resource teacher may have a caseload of 18 different students; however, no more than 10 of those students may be served at any one time. [R340.1749a(2)]

3. What is the age span of students in an elementary resource room?

The age span of the students in an elementary resource room may not exceed 6 years at any one time. If the age span of the non-handicapped students in the building is less than 6 years, the age span of resource room students may not exceed that number. (R340.1733d)

4. May an elementary resource teacher assign grades?

Yes. The elementary resource teacher may provide direct instruction to students on his/her caseload. Grades or other evaluative measures may be assigned for that instruction. [R340.1749a(2)(a)]

5. What is the elementary resource teacher's role in evaluation?

The elementary resource teacher may evaluate students who are suspected of being handicapped as long as the students attend the same school that houses the resource program. The elementary resource teacher may serve on the initial multidisciplinary evaluation team. However, the elementary resource teacher may not be responsible for evaluating more than 2 students at one time (in addition to the regular caseload of 18) and the resource teacher must be given time to carry out evaluation responsibilities. [R340.1749a(4)]

6. May a student suspected of being handicapped be placed temporarily in a resource room for observation?

No. All observations of a student suspected of being handicapped must be completed in the regular education setting. A student suspected of being handicapped may go to the resource room during a non-instructional time for purposes of individual testing/evaluation.

7. May an elementary resource teacher provide help for students in regular education classes?

Yes. The elementary resource teacher may provide support to regular education teachers who serve special education students on the resource teacher's caseload. The resource teacher must be allocated time to work with these regular education teachers. The elementary resource teacher may also provide supplemental instruction to students on his/her caseload. (R340.1749a)

8. What qualifications are needed to teach in an elementary resource room?

An elementary resource teacher must have had 2 years of teaching experience, 1 of which must have been in a special education classroom. [R340.1749a(2)]

9. What if the resource teacher does not have a special education endorsement that matches the student's disability?

Sometimes a student is assigned to a resource teacher whose endorsement differs from the student's handicapping condition. The individualized educational planning committee must determine if a teacher consultant in the specific disability area is needed to provide consultation, resources, and support services to the resource teacher. [R340.1749a(5)]

10. May an elementary resource room program departmentalize?

There is no provision for departmentalization at the elementary level. Each resource teacher will see only those students assigned to his/her caseload.

The Secondary Resource Room

1. Who is eligible to be placed in a secondary resource room?

The individualized educational planning committee determines the need for resource room placement. The secondary resource room is designed for those students who require 3 periods or less of their instructional day in special education. Of those 3 periods, not more than 2 may be in the areas of language arts, math, science, and social studies. [R340.1749b(1)]

2. How many students may a secondary resource teacher serve?

A secondary resource teacher may have a caseload of 20 different students; however, no more than 10 of these students may be served at any one time. [R340.1749b(2)] In a departmentalized secondary resource room the teacher may serve an average of 10 students per class period per instructional day. [R340.1749c]

3. What is the age span of students in a secondary resource room?

The age span of the resource room students may not exceed the age span of the non-handicapped students in the building. A resource room in a ***high school*** may serve students up to age 26. [R340.1733(d)]

4. May a secondary resource teacher assign grades for a course?

A secondary resource teacher may provide direct instruction for special education courses

approved for graduation by the local education agency. The teacher may assign grades or other evaluative measures for this instruction. [R340.1749b(2)(a)]

5. What about working with regular education teachers?

A secondary resource teacher may provide support to regular education teachers who serve students on the resource teacher's caseload. The resource teacher must be allocated time to work with these teachers. [R340.1749b(2)(b)]

6. May a secondary resource teacher provide tutorial help?

A secondary resource teacher may provide supplemental instruction to students on his/her caseload who are "mainstreamed" in regular education classes; however, the resource teacher may not teach a class and provide tutorial help during the same class period. [R340.1749b(3)]

7. What is the secondary resource teacher's role in evaluation?

There is no provision for secondary resource teachers to evaluate students suspected of being handicapped; therefore, a secondary resource teacher is not to serve on the initial multidisciplinary evaluation team.

8. What qualifications are needed to teach in a secondary resource room?

A secondary resource teacher must have had 2 years of teaching experience, 1 of which must have been in a special education classroom. [R340.1749b(1)]

9. What if the resource teacher does not have a special education endorsement that matches the student's disability?

Sometimes a student is assigned to a resource teacher whose endorsement differs from the student's handicapping condition. The individualized educational planning committee must determine if a teacher consultant in the specific disability area is needed to provide consultation, resources, and support services to the resource teacher. [R340.1749(4)]

10. May a secondary resource teacher have students from another teacher's caseload in his/her class?

In a typical secondary resource room, the teacher will see only those students assigned to his/her caseload. In a departmentalized secondary program, the resource teacher would be able to serve students assigned to other special education teachers.

The Teacher Consultant Role

1. How many students may a teacher consultant serve?

The maximum active caseload for a teacher consultant is 25 students including students currently being evaluated. [R340.1749(2)]

2. May a teacher consultant provide direct instruction to students?

The teacher consultant may provide only those instructional services which are supportive of

the student's regular or special education classroom teacher. The teacher consultant shall not grade, give credit for, or teach any subject, class, or course in either regular or special education. [R340.1749(l)(a), (b)]

3. What is the teacher consultant's role in evaluation?

The teacher consultant may evaluate students suspected of being handicapped and may serve on the initial multidisciplinary evaluation team. He/she may also provide prereferral consultation to regular education personnel. This consultation may only be provided according to procedures established by the state department. [R340.1749(l)(d), R340.172la(l0)]

4. What are the criteria for approval as a teacher consultant?

Approval as a teacher consultant must be requested by the employing district. The teacher consultant must possess a master's degree in education or a field of study related to special education. In addition, he/she must have a minimum of 3 years of teaching experience, at least 2 of which were in a special education classroom. A list of competencies for teacher consultants has also been included in the rules. When the new rules take effect, fully approved teacher consultants will continue and maintain approval status in categories for which approval was granted. (R340.1790)

Departmentalized Secondary Programs

l. What is meant by "departmentalized"?

A departmentalized secondary program is one in which 2 or more classroom teachers teach groups of special education students by content area rather than by disability area. One teacher might provide all the math instruction, a second might provide all the reading instruction, and the third might provide all the science instruction for students within the special education department. Each teacher may teach only 1 local education agency approved special education course per period. [R340.170l(k), R340.1749c(2)]

2. Who may departmentalize?

A secondary school with more than one special education classroom teacher may departmentalize. [R340.1749c(l)]

3. Is it permissible for a categorical program to departmentalize?

Any secondary program with more than one special education classroom teacher may departmentalize. This includes categorical programs as well as resource rooms.

4. How many students may a teacher serve in a departmentalized secondary program?

Each teacher may see more than just the students from his/her own caseload. Teachers may provide instruction to students from the caseloads of all the teachers participating in the departmentalization. There is not a specified limit to the size of an individual class; however, each teacher may serve not more than an average of 10 students per class period per instructional day. Conference or planning periods, consultation hours, or other hours reserved for noninstructional duties are not considered part of the instructional day. [R340.1749c(3), (4)]

5. How is tutorial help provided in a departmentalized secondary program?

The rules specify that each teacher may teach only one local education agency approved special education course per period; therefore, the teacher may not teach a class and provide tutorial help during the same class period. A teacher may provide tutorial help to students but not during a period scheduled for direct instruction. [R340.1749c(2)]

Qualifications of Directors, Supervisors, Teachers, and Other Personnel

The administrative rules provide information on the qualifications required to be employed in various aspects of special education, including administration, instruction, and ancillary or other related services. Approval criteria for many areas remain unchanged. Areas for which rules have been revised are discussed below.

1. Is it permissible to hire a part-time director or supervisor?

Yes. Directors and supervisors may be hired at the local level for either full- or part-time positions but not less than half-time. Intermediate districts must still employ or contract for the services of a full-time director. (R340.1750, R340.1751)

2. Have the approval criteria for directors and supervisors been changed?

Yes. Technology competencies have been added to the list of approval criteria for both positions. Any person who has completed all course work and practicum requirements before the effective date of the new rules shall only be required to complete 1 year of experience in the position in order to gain full approval. Directors and supervisors with full approval status on the effective date of the new rules will maintain full approval. (R340.1771, R340.1772, R340.1773)

3. When will new requirements for teacher preparation programs be in effect?

The new requirements apply to all teachers seeking approval beginning September 1, 1990. Students who complete teacher preparation training programs prior to that date will be fully approved. On the effective date of the new rules package, all fully approved special education teachers, teacher consultants, curriculum resource consultants, teachers of the preprimary impaired, and work study coordinators will continue to be fully approved. [R340.1781(2), R340.1782(g)]

4. Are there any additional requirements for specific disability areas?

Yes. Groups of specific competencies have been identified for teachers of the mentally impaired, hearing impaired, visually impaired, and physically and otherwise health impaired. As stated in answer #3, all persons fully approved in these areas on the effective date of the new rules will maintain full approval. (R340.1786, R340.1799b, R340.1799c)

5. Is temporary approval still possible?

Yes. Temporary approval may be granted to persons who have completed at least half of the course requirements for a major in the specific impairment area. Continuation of temporary approval is contingent upon completion of 6 semester or 9 term hours of required credit toward full approval prior to the beginning of the next school year. [R340.1783(1)]

6. What if a teacher is facing lay-off as a result of the new rules, but does not qualify for temporary approval?

Rule 33q requires that students who need a categorical classroom be assigned to a teacher whose endorsement matches the student's disability. In order to implement this new rule, some districts may have to reassign staff members. If, as a result of the implementation of Rule 33q, a teacher faces lay-off, emergency approval will be granted according to State Board of Education terms and conditions. The availability of a fully approved teacher for the position may not be a basis to deny, revoke, or fail to renew temporary or emergency approval, as long as the teacher remains in the special education program. This provision does not apply to teachers certified after December 30, 1990. [R340.1783(2)]

7. Are there any new approval areas?

Yes. New approval areas are for art therapists, interpreters for the deaf, and work-study coordinators. [R340.1792, R340.1799d]

The Intermediate School District Plan

Every 3 years the intermediate school district must submit to the State Board of Education a plan for the delivery of special education programs and services. Specific components and requirements of the plan are described in detail in the rules. A portion of the plan's content must also describe the procedure for utilizing the information gained from the 1-year follow-up to modify the delivery of special education programs and services. The follow-up system must include procedures for determining the school-community adjustments of handicapped persons for at least 1-year following termination of special education programs and services. (R340.1832)

The Parent Advisory Committee

The revisions require the intermediate school district to secure or allocate fiscal and staff resources to make the Parent Advisory Committee efficient and effective in operation. The parent advisory committee may establish their operational procedures and may advise on any matter relating to special education. [R340.1838(4)]

Complaints

1. What is the definition of a complaint?

A complaint is a specific written and signed allegation of a violation, misinterpretation, or misapplication of any of the following:

A. Any current provision of the Michigan special education rules.

B. Those parts of Act No. 451 of the Public Acts of 1976, as amended, which pertain to special education programs and services.

C. The Education for All Handicapped Children Act of 1975 and the regulations which implement it.

D. The State Board of Education special education plan or an intermediate school district special education plan.

E. An individualized educational planning committee report, hearing officer decision, or court decision regarding special education programs or services.

2. Is there a time limitation for filing a complaint?

Yes. The complaint shall be filed by the complainant within 6 months of the alleged occurrence of the violation or within 6 months of the time when the complainant became aware of the alleged violation. [R340.1853(4)]

3. Who may file a complaint?

A complaint may be filed by an agency, a private individual, or an organization. [R340.1701]

4. What must be included in the intermediate school district's investigation report?

The revised rules include new procedures regarding the intermediate school district's responsibility for investigating complaints. The intermediate school district report, which must be filed within 21 calendar days of receipt of the complaint, must include:

A. A report of each allegation of violation contained in the complaint and the provision of law, rule, intermediate plan, or state plan alleged to be violated.

B. Findings and conclusions drawn with respect to each allegation.

C. A copy of the original letter of complaint.

D. Any written evidence used to support the findings and conclusions.

E. If a violation is found, all of the following information:

1. Specific provision of law, rule, or plan that is violated.

2. The agent or agency responsible for committing the violation.

3. What corrective action is recommended.

4. A time line for such recommended action.

5. The agency responsible for making the correction.

F. In addition, the agency in violation must provide a position statement within 10 calendar days of receipt of the report. The statement must describe the school district's intent relative to the correction recommended by the intermediate school district.

G. Notice to the complainant of 10 calendar days from receipt of the report to contest a conclusion of no violation and to make a request for state investigation. (R340.1851)

5. May the state department investigate a complaint?

Yes. The state department may also investigate a signed written complaint on its own initiative, regardless of the status of the intermediate school district investigation. If the intermediate school district fails to act on a complaint, the state department must, on its own initiative or at the request of the complainant, investigate the complaint.

MAXIMUM TEACHER-STUDENT RATIOS

PROGRAM/SERVICE	CASELOAD SIZE				NUMBER SERVED AT ONE TIME (CLASS SIZE)	AGE SPAN	
	ELEMENTARY		SECONDARY**			ELEMENTARY	SECONDARY
	STUDENT*	AIDE*	STUDENT*	AIDE*			
EDUCABLE MENTALLY IMPAIRED	11 15	0 1	15	Not mandated	11 without an aide OR up to 15 with an aide for elementary, 15 for secondary	Six years or age span of building whichever is less OR 4 years, if under 16 in separate facility	Not to exceed age span in building-may go to 26 in high school
EMOTIONALLY IMPAIRED	15	Not Mandated	15	Not Mandated	10	Same as EMI	Same as EMI
LEARNING DISABLED	15	Not Mandated	15	Not Mandated	10	Same as EMI	Same as EMI
TEACHER CONSULTANT	25	Not Mandated	25	Not Mandated	NOT APPLICABLE	NOT APPLICABLE	NOT APPLICABLE
RESOURCE ROOM	18 plus 2 for evaluation	Not Mandated	20	Not Mandated	10 - Elementary and secondary, average of 10 - departmentalized Secondary	Same as EMI	Same as EMI
TRAINABLE MENTALLY IMPAIRED	15 30	1 3	15 30	1 3	15 with 1 aide or 30 with 3 aides	Same as EMI, unless ISD plan allows for expanded age range	Same as EMI, unless ISD plan allows for expanded age range
TEACHER OF SPEECH AND LANGUAGE	60	Not Mandated	60	Not Mandated	NOT APPLICABLE	NOT APPLICABLE	NOT APPLICABLE
HEARING IMPAIRED	7	Not Mandated	7	Not Mandated	7	Same as EMI	Same as EMI
VISUALLY IMPAIRED	8 FTE/ 10 different students	Not Mandated	8 FTE/ 10 different students	Not Mandated	8-10 depending on severity of disability and FTE	Same as EMI	Same as EMI
PHYSICALLY AND OTHERWISE HEALTH IMPAIRED	15	Not Mandated	15	Not Mandated	10	Same as EMI	Same as EMI
PREPRIMARY IMPAIRED	24	1	NOT APPLICABLE		12	3 to 5 years of age AND birth through age 2 by decision of IEPC	NOT APPLICABLE

MAXIMUM TEACHER-STUDENT RATIOS

PROGRAM/SERVICE	CASELOAD SIZE				NUMBER SERVED AT ONE TIME (CLASS SIZE)	AGE SPAN	
	ELEMENTARY		SECONDARY				
	STUDENT	AIDE	STUDENT	AIDE		ELEMENTARY	SECONDARY
SEVERELY MENTALLY IMPAIRED	12 15	2 3	12 15	2 3	12 with 2 aides or 15 with 3 aides	6 years if under 16 OR 4 years if under 16 in separate facility	Same as EMI, unless ISD plan allows expanded age range
SEVERELY MULTIPLY IMPAIRED	9 Less than 9	2 1	9 Less than 9	2 1	9 with 1 aide	Same as SMI	Same as EMI, unless ISD plan allows expanded age range
AUTISTIC IMPAIRED	2 5	0 1	2 5	0 1	2 with no aide OR up to 5 with 1 aide	Same as EMI	Same as EMI
SEVERELY LANGUAGE IMPAIRED	15	Not Mandated	15	Not Mandated	10	Same as EMI	Same as EMI
PREPRIMARY NONCLASSROOM	15 22 30	1 2	NOT APPLICABLE		NOT APPLICABLE	Through 2 years of age or up to 5 years as determined by IEPC	NOT APPLICABLE
HOMEBOUND AND HOSPITALIZED	12	Not Mandated	12	Not Mandated	NOT APPLICABLE	NOT APPLICABLE	NOT APPLICABLE
JUVENILE DETENTION	Not Mandated	Not Mandated	Not Mandated	Not Mandated	10	6 years or the age span of the nonhandicapped students	Up to age 26

* The number of students and aides correspond across columns. For example, an elementary EMI program with eleven students or less does not require an aide. From twelve to fifteen students requires one aide.

An Overview of the Revised Administrative Rules for the Delivery of Special Education Programs and Services

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